

## JONES DAY

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April 8, 2008

### VIA EMAIL

Renee Brooker  
U.S. Department of Justice  
Civil Division, Commercial Litigation Branch  
601 D. Street, NW  
Ninth Floor - Room 9028  
Washington, D.C. 20004

Re: U.S. ex rel. Ven-a-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc.  
Case No. 06-CV-11337

Dear Renee:

Pursuant to Paragraph 28 of the Protective Order entered in the above-referenced case, we hereby notify you that certain privileged documents have been inadvertently produced. Specifically, documents with the Bates ranges identified below were inadvertently produced on or about November 8, 2007:

ABT-DOJ 0319221 through 0319222  
ABT-DOJ 0324912  
ABT-DOJ 0328021 through 0328024  
ABT-DOJ 0331181 through 0331183  
ABT-DOJ 0331226 through 0331229  
ABT-DOJ 0331376  
ABT-DOJ 0331446  
ABT-DOJ 0335484 through 0335485  
ABT-DOJ 0341991

Accordingly, we request the prompt return of the above-identified documents and any copies in your possession, custody or control, as well as the original CDs (volumes 0026-0030). We will provide replacement CDs that do not contain the privileged information next week.

JONES DAY

Renee Brooker  
April 8, 2008  
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Please retrieve any copies of the documents and CDs that you have circulated to any other counsel that has signed the Protective Order and return those to us as well.

In addition, during the deposition of David Fishman on March 20, 2008, the following documents were identified as privileged:

ABT-DOJ 0326756  
ABT-DOJ 0326772

Please confirm that all copies of these documents have been destroyed, including any copies that you have circulated to any other counsel that has signed the Protective Order.

We appreciate your attention to this matter and apologize for any inconvenience. Thank you.

Sincerely,

/s/ Jason G. Winchester  
Jason G. Winchester

cc: Toni-Ann Citera  
Carol P. Geisler